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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/581,746	06/06/2006	Denis Guillois	127694	6435
25944 7590 11/13/2008 OLIFF & BERRIDGE, PLC P.O. BOX 320850 ALEXANDRIA, VA 22320-4850				
EXAMINER				
CHAN, KO HUNG				
ART UNIT		PAPER NUMBER		
3632				
MAIL DATE		DELIVERY MODE		
11/13/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/581,746

**Applicant(s)**

GUILLOIS ET AL.

**Examiner**

Korie H. Chan

**Art Unit**

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 July 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 and 12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date: \_\_\_\_\_

### **DETAILED ACTION**

The indicated allowability of claim 11 is withdrawn in view of the newly discovered reference(s) to Aoki et al (US patent no. 6,595,473). Rejections based on the newly cited reference(s) follow.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

#### ***Claim Rejections - 35 USC § 112***

Claims 1-9 and 12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1, line 8, "spring clip in which the at least two holding members can be engaged" is vague and indefinite as it is not clear whether the holding members are engaged to each other or to the spring clip.

#### ***Claim Rejections - 35 USC § 102***

Claims 1-3 and 6-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Aoki et al (US patent no. 6,595,473). Aoki discloses a support device (figure 7) comprising the means of support comprises two holding members (89, figure 7) each made in the form of a half-cylindrical body (90, 90'), a spring clip (92 and 93) in which the two holding members (89) can be engaged, wherein the spring clip rests on an intermediate mount (61, figure 7) that bears on an anchor plate (28, figure 2); wherein each body has a flat face (flat surfaces adjacent 48, figure 7) provided with at least one longitudinal furrow (the channel where tube 2 rests) in which a fire-detection capillary

can be placed; wherein the support device comprises at least two metal shells (flanges 58) that can be arranged around the holding members (89); wherein each shell is made in the form of a part (flanges 58) capable of fitting around part of the exterior of the holding members; clip holder (56) being positioned around the shells.

***Claim Rejections - 35 USC § 103***

Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miyamoto et al (US patent no. 6,668,865) in view of Aoki et al (US patent no. 6,595,473). Miyamoto discloses a support device (figure 5) comprising the means of support comprises two holding members (37) each made in the form of a half-cylindrical body (37); wherein each body (37) has a flat face provided with at least one longitudinal furrow (38) in which a fire-detection capillary can be placed; wherein each body has a side wall in which longitudinal recesses (recesses between 37a) are formed; wherein each longitudinal recess is enclosed by two end shoulders (37a); wherein it comprises at least two metal shells (26a) that can be arranged around the holding members (37); wherein each shell is made in the form of a part capable of fitting around part of the exterior of the holding members; clip holder (, 35, 36) being positioned around the shells (26a); a spring clip (24 and 25) in which the two holding members (37) can be engaged. However, Miyamoto does not disclose the spring clip rests on an intermediate mount that bears on an anchor plate.

Aoki discloses a support device (figure 7) comprising the means of support comprises two holding members (89, figure 7) each made in the form of a half-

cylindrical body (90, 90'), a spring clip (92 and 93) in which the two holding members (89) can be engaged, wherein the spring clip rests on an intermediate mount (61, figure 7) that bears on an anchor plate (28, figure 2). It would have been obvious to have provided an intermediate mount on the spring clip of Miyamoto for engagement with an anchor plate as such means of supporting spring clip is old and well-known in the art as demonstrated by Aoki.

Claims 9 and 12 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-9 and 12 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Korie H. Chan whose telephone number is 571-272-6816. The examiner can normally be reached on Monday - Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. Allen Shriver can be reached on (571)272-6698. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Korie H. Chan/  
Primary Examiner  
Art Unit 3632

Khc  
November 10, 2008